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Clark County School District
and Nicole Riley

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

S.D., a minor by and through her Parents,
 Andre Dupree and Daijeana Rogers,

Plaintiffs,

Case No. 2:23-cv-00684-RFB-DJA

vs.

CLARK COUNTY SCHOOL DISTRICT;
 NICOLE RILEY, individually and in her
 capacity as Plaintiff's former teacher of record;
 DOES I-X, and ROE CORPORATIONS I-X,
 inclusive,

Defendants.

**STIPULATION AND ORDER TO
 EXTEND DISCOVERY DEADLINES
 (FIRST REQUEST)**

PURSUANT TO LR 6-1 and LR 26-4, PLAINTIFFS, by and through their undersigned
 counsel of record, and Defendants CLARK COUNTY SCHOOL DISTRICT (CCSD) and
 NICOLE RILEY (Riley), by and through their undersigned counsel of record, hereby stipulate and
 request that this Court extend discovery deadlines in the above-captioned case by ninety days as
 outlined herein. This is the parties' **First Request** to extend the time to complete discovery.

In support of this Stipulation and Request, the parties state as follows:

I. Procedural Posture of the Case:

1. On May 1, 2023, Plaintiffs filed the subject Complaint. (ECF No. 1)
2. On May 30, 2023, Defendant CCSD filed its Answer to Plaintiffs' Complaint. (ECF

No. 5)

3. On June 27, 2023, Defendant Riley filed her Answer to Plaintiffs' Complaint. (ECF No. 9)

4. On July 18, 2023, the Court approved the parties proposed Joint Discovery Plan and Scheduling Order. (ECF No. 11)

5. On September 5, 2023, the parties submitted to the Court a proposed Stipulated Protective and Confidentiality Order (ECF No. 13)

II. Discovery Completed to Date

1. Initial Disclosures were served:

a. By Defendants CCSD and Riley on July 21, 2023

b. By Plaintiffs on July 24, 2023

2. Interrogatories and Requests for Production of Documents were served to Plaintiffs by Defendant CCSD on August 24, 2023; Plaintiffs' Responses thereto are due on September 26, 2023.

3. Deposition of CCSD witness Eva Silvas is scheduled for September 7, 2023.

4. Deposition of CCSD witness Traci Mitchell is scheduled for September 7, 2023.

5. Deposition of CCSD Defendant Nicole Riley is scheduled for September 26, 2023.

III. Discovery Remaining

1. In-classroom observation of the minor Plaintiff by Plaintiffs' expert, scheduling of which has been complicated by first of the year administrative staffing changes at the minor Plaintiff's current school.

2. Disclosure of Plaintiffs' Computation of Damages

3. Determination of the scope, need for, and scheduling of a FRCP Rule 35 examination of the minor Plaintiff, contingent upon disclosure of Plaintiffs' Computation of Damages.

4. In addition to deposition of the named Defendant, depositions of an estimated six additional CCSD witnesses to events pertinent to the facts and circumstances surrounding the allegations of the Complaint.

5. Depositions of any and all physical and mental healthcare providers for the minor Plaintiff, the number of which is currently unknown.
6. Depositions of the minor Plaintiff's parents and guardians.
7. Upon Plaintiffs' production of Authorizations for physical and mental health care records, and for childcare records, Subpoenas Duces Tecum will be issued to gather evidence of the minor Plaintiff's treatment and interaction at locations other than CCSD.
8. The parties will produce expert reports and rebuttal experts.
9. The parties will depose experts as disclosed.

IV. Why Remaining Discovery Has Not Been Completed

On September 5, 2023, the parties submitted a proposed Stipulated Protective and Confidentiality Order to the Court. (ECF No. 13.) This matter involves students with educational needs which are subject to individualized educational plans protected by the Federal Educational Rights and Privacy Act. The proposed Protective and Confidentiality Order is intended to allow for restricted disclosure of relevant student information as relevant and proportional to the needs of this case and solely for the purpose of evidencing facts at issue in this litigation. Once the Protective Order is in place, records in the possession of CCSD can be more fully disclosed.

The parties have been actively attempting to coordinate schedules of the parties' attorneys and of multiple CCSD witnesses at the commencement of the school year. Due to the attorneys' calendars and conflicting discovery deadlines in other cases, the depositions and supplemental disclosures necessary to the parties' completion of discovery, have not been accomplished in spite of the parties' good faith efforts.

Plaintiffs have not yet disclosed a computation of damages nor any treatment records for the minor Plaintiff concerning the injuries and/or damages claimed to have been suffered by Defendants' conduct. Absent that disclosure Defendants have been unable to determine the need for or a proposed scope of a Rule 35 examination of the minor Plaintiff.

Finally, Plaintiffs' expert has requested an in-classroom observation of the minor Plaintiff which has not yet been coordinated between the parties due to first of the school year administrative staffing changes at the minor Plaintiff's current school.

Accordingly, the parties request a 90-day extension of the discovery deadlines as set forth below.

V. Requested Extension or Modification of the Discovery Plan and Scheduling Order

LR 26-4 governs modifications or extension of the discovery plan and scheduling order. LR 26-3 requires that any stipulation or motion must be made not later than twenty-one (21) days before the expiration of the subject deadline and comply fully with LR 26-4.

The current discovery deadlines and the parties' proposed extended deadlines are:

<u>Scheduled Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Close of Discovery	November 27, 2023	February 26, 2024
Amending Pleadings	August 29, 2023	Expired
Expert Disclosures	September 28, 2023	December 28, 2023
Rebuttal Disclosures	October 28, 2023	January 26, 2024
Dispositive Motions	December 27, 2023	March 28, 2024
Joint Pretrial Order	January 26, 2024	April 27, 2024

This is the First Request for an extension of discovery deadlines in this matter. This extension is sought for the purpose of allowing the parties to fully discover testimony regarding the subject events, damages claimed, expert assessment of the events and damages at issue, and not for any improper purpose or for delay.

The parties respectfully submit that the reasons set forth above constitute compelling reasons and good cause for the extension.

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IT IS SO STIPULATED AND AGREED BY:

DATED this 6th day of Sept., 2023.

ARIAS SANGUINETTI WANG
& TORRIJOS, LLP

By: /s/ Christopher A.J. Swift
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ORDER

DATED this 7th day of September, 2023.

UNITED STATES MAGISTRATE JUDGE

Nan Langenderfer

From: Christopher A. J. Swift <christopher@aswtlawyers.com>
Sent: Wednesday, September 6, 2023 10:35 AM
To: Stephanie Barker; Gregg A. Hubley
Cc: Jasminn G. Hernandez; Alex Ballard; Emily Smith; Bryan Tamayo; Linda Roth; Nan Langenderfer; Jessica Kaufman; Tom Dillard
Subject: RE: SD v. CCSD - Expert Disclosure

Hi Stephanie –

For this one, can we switch the expert rebuttal deadline to January 26, 2024, to match the BH matter and because January 27, 2024, is a Saturday. With that change you may affix my signature. Thanks!

CHRISTOPHER A.J. SWIFT | [ARIAS SANGUINETTI](#) | (702) 789-7529

From: Stephanie Barker <sbarker@ocgas.com>
Sent: Tuesday, September 5, 2023 6:59 PM
To: Christopher A. J. Swift <christopher@aswtlawyers.com>; Gregg A. Hubley <gregg@aswtlawyers.com>
Cc: Jasminn G. Hernandez <jasminn@aswtlawyers.com>; Alex Ballard <alex@aswtlawyers.com>; Emily Smith <emilys@aswtlawyers.com>; Bryan Tamayo <bryan@aswtlawyers.com>; Linda Roth <lroth@ocgas.com>; Nan Langenderfer <nlangenderfer@ocgas.com>; Jessica Kaufman <jkaufman@ocgas.com>; Tom Dillard <tdillard@ocgas.com>
Subject: RE: SD v. CCSD - Expert Disclosure
Importance: High

[CAUTION EXTERNAL E-MAIL: This email originated from Outside the Organization. DO NOT click or open attachments unless you recognize the sender and know the content is safe]

Chris & Gregg:

I've attached a draft Stip and Order requesting extension of discovery deadlines (First Request). Please let me know if you are agreeable to a stipulation, if so if this is acceptable and if you'd like changes. The Stip, or a motion, will need to be filed by Thursday.

Thank you.

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